

EXHIBIT 1

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, CRIMINAL DIVISION

CC NO. 2013-09305
CC NO. 2013-09303

vs.

NON-JURY TRIAL

BEYSHAUD EL
WILL EL

BEFORE THE HONORABLE:
KEVIN SASINOSKI

Defendants.

Date: April 15, 2014

REPORTED BY:
TERESA M. BENSON
OFFICIAL COURT REPORTER

COUNSEL OF RECORD:

FOR THE COMMONWEALTH:
KRISTEN PAULI, A.D.A.

FOR DEFENDANT BEYSHAUD EL:
JASON NARD, ESQ.

FOR DEFENDANT WILL EL:
CELESTE WHITEFORD, ESQ.

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1 persuasive because the conviction for a
2 summary was sustained there and affirmed.
3 It was just remanded for sentencing.

4 MS. WHITEFORD: I think I presented
5 this, Your Honor, more as the language in
6 some of them is interesting to me when it
7 talks about, you know, society tolerating
8 a fair amount of, you know, conversation,
9 whatever. This is a topic in Zone 5.

10 THE COURT: Well, I'm not here to
11 address topics in Zone 5, Zone 4, anywhere
12 in the City of Pittsburgh. I saw clearly
13 on the video, one of the Defendants take a
14 punch and swing at the officer. That was
15 very evident and very visible.

16 They were instructed time and time
17 again to remain on the sidewalk and not
18 get up and they repeatedly got up at least
19 two to three times. They disregarded
20 those directives until the police business
21 was done.

22 And then once the police business was
23 done, I guess they would have been free to
24 go or they would have been charged or
25 whatever.

1 MS. WHITEFORD: I disagree that they
2 were ever going to be free to go.

3 THE COURT: Well, you're making an
4 argument that's not a legal argument.
5 You're making an argument which is a
6 societal comment, and I can't respond to
7 your commentary.

8 I have -- I just can't respond, and I
9 won't respond to it.

10 MS. WHITEFORD: I didn't see a punch.

11 THE COURT: I did. And I'm the
12 factfinder. It is obvious that one of
13 them wound up and took a swing at the
14 officer. That punch is clear. I have
15 seen it time and time again.

16 Your other witness showed -- she said
17 she was at the end by that church sign
18 where an officer pulled a baton. I have
19 watched this film at least maybe a half
20 dozen times. I haven't seen an officer in
21 the area of that church on the sidewalk 50
22 feet away pull out a baton and threaten
23 anyone, let alone the defense witness who
24 came in today who is related to the two
25 Defendants. I just didn't see that.

1 I could watch it over and over and
2 over, unless there is more. I'm sure that
3 if there was another tape, you would have
4 presented it and showed it to me.

5 Bring your clients forward, please.

6 MR. NARD: Your Honor, while we are
7 doing that, I would point out for the
8 record two things.

9 One, the video showed Mr. Will El, my
10 client, getting up one time and that's
11 when he was attacked.

12 THE COURT: Three times perhaps
13 collectively, if I misspoke. There were
14 at least three times that I saw someone --
15 one of the two gentlemen get up as they
16 were seated. They were very animated. It
17 was obvious they were having a very
18 animated discussion, gesturing, reaching
19 for the sidewalk, throwing things on the
20 sidewalk, picking them up.

21 It was obvious that they disregarded
22 the police commands to just remain there
23 until she had an opportunity to
24 investigate. That's what is obvious to me
25 in the video.